

1994. In contrast, the Giovannoli '328 patent on its face purports to have been filed on February 22, 1996 as Application Serial No. 603,906.

The Disclosures

Before turning to the claims and the proposed counts, a brief discussion will be made regarding the commonality of the disclosures. Generally, the disclosures describe methods and apparatus for pairing one or more buyers with one or more sellers located at remote geographic locations through an electronic communication system. More particularly, the disclosed methods and apparatus include examples of buyer driven commerce in that the buyer specifies certain aspects of a desired commercial transaction, such as via a Request for Proposal or Quotation and that specification from the buyer is input to a computer which interacts with a plurality of sellers to receive a response regarding the buyer's desired goods or services. The central computer system may elect the seller or sellers to receive the buyer's request, by way of example, where the sellers to whom the request is routed is based on whether or not they carry the category of goods or service desired by the buyer.

The Examiner's Statement of Reasons for Allowance in Giovannoli '328

The Examiner's Statement of Reasons for Allowance specifically highlighted the selective routing of requests by a central system to some, but not necessarily all, vendors. The request is forwarded to those vendors believed to be capable of responding to the request. The Examiner stated:

“Applicant's invention is directed towards a computerized system and network for processing and responding to requests for quotation. The prior art admits several

examples of using a computer network to deliver requests for quotation. Shavit et al, US 4,799,156, and Dworkin, US 4,992,940 are two such examples. However, the present invention distinguishes itself over these two embodiments by the use of filter means which is used to determine which vendors to send the RFQ's to. The request that come into the system from potential buyers do not specify a vendor. The systems of the prior art either maintain a central database containing all necessary information to answer an RFQ or they require that the buyer specify the vendor to deliver the RFQ to. *Applicant's system represents a significant improvement over these systems in that the filtering means only maintains enough information to determine which vendors to send the RFQ to, without having to maintain data on all possible products and services. This feature of selectively filtering RFQ's is recited in each of Applicant's independent claims, 1, 3, 4, 8, and 14. The remaining dependent claims are likewise allowed by reliance upon the aforementioned independent claims.*" (italics added).

Applicant Expressly Discloses the Selective Routing Concept and Implementation

While a more detailed statement is provided below, the central concept as noted by the Examiner is clearly disclosed in Applicant's earlier filed application. For example, the specification provides:

"The present system facilitates selective transmission of communication between individual buyers of plural buyer groups or sub-groups and qualified members of plural vendor groups or sub-groups. For example, special offerings by vendors for particular merchandise may be transmitted only to buyers designated for

purchase of the merchandise. Likewise, buyer requests for proposals on selected merchandise are transmitted only to vendors designated to sell the merchandise.”

(p. 12, lines 14-22).

“Selectivity logic, indicated at 47, to prevent information overload selectively directs communications between members of plural groups or sub-groups, such as wholesale buyer and vendor groups.” (p. 23, line 35 to p. 24, line 3).

The Specification Support for Newly Added Claims

In accordance with 37 C.F.R. §1.607, the substantially copied claims may be specifically applied to Applicant’s disclosure as shown in the following table. The disclosure support is intended to be merely representative, and not exhaustive. Applicant specifically reserves the right to provide further or alternative support.

CLAIM LANGUAGE	SPECIFICATION SUPPORT
17. A computerized system for forming a computer based communications network of network members inclusive of network buyers and or network vendors for processing requests for proposal for goods and services through at least one central processing unit including	“Accordingly, the present invention recognizes the need for a system to communicate with remote locations over a widely distributed area, from other places, such as a central location, for the applications discussed above ... In particular, the present system recognizes the need for directing and exchanging communications, such as offers and responses, between selected members of plural groups or subgroups, analyzing and compiling data relating to such members, scheduling appointments, implementing face-to-face conferences (in real-time), and consummating transactions and billing relating to transactions between such groups.” (p. 5, lines 10-21). “Routing of offers and responses may also take place between members of sub-groups of plural groups. Calls may be classified into types, for example, ... a buyer soliciting proposals, a

CLAIM LANGUAGE	SPECIFICATION SUPPORT
<p>operating system software for controlling the central processing unit, said network members being remotely located from said central processing unit and connected thereto via a communications channel, the central processing unit being coupled to a storage means containing identification of the network members,</p>	<p>vendor responding with a proposal ..." (p. 7, lines 4-9).</p> <p>"The present invention relates generally to the field of computerized telephone and video communication, and more particularly, to a communication traffic control system for providing video communication through dial-up telephone system, for selectively interfacing members of plural groups, for example, wholesale buyer groups and vendor groups. Such a system may be used in a variety of applications, such as for directing and exchanging offers and responses at the wholesale level, between selective members of plural groups ... consummating sales and the like. It is currently contemplated that the present invention may be used, for example, in merchandising applications, including purchasing, selling, marketing or the like, educational conventions for medical doctors and other professionals, game shows, dating services and so on." (p. 1, line 17 to p. 2, line 2)</p> <p>"For merchandising applications, the remote specific vendor locations communicate with the central traffic control station TIS, which is located remote from the buyers' and vendors' facilities." (p. 12, lines 2-6).</p> <p>"...A database of buyers (including information, such as telephone numbers, names, etc.)" (p. 14, lines 22-23).</p> <p>"... Access to the system typically will be limited to qualified or registered entities." (p. 38, lines 22-23).</p> <p>"A block indicated at 45 and labeled "data storage" stores standard system and network software." (p. 23, lines 34-35).</p>
<p>means for network buyers to generate request for proposal for goods and/or services,</p>	<p>"Figure 9 illustrates an exemplary buyer request form providing specific information of the merchandise. Blank forms may be stored in a forms directory (e.g., menu-driven) or the like on each buyer's terminal. Thus, when making a request for proposal, a buyer may simply access a blank form and enter the</p>

CLAIM LANGUAGE	SPECIFICATION SUPPORT
	specific information. Essentially, a merchandise code number "472361" is supplied, indicating the specific product as also identified in the graphic." (p. 44, lines 19-26).
means for transmitting said request for proposal to said central processing unit,	"... Personal computers ... are placed at each of the plurality remote locations to communicate with a central unit ..." (p. 6, lines 17-22).
filter means for filtering the network members in said storage means to determine which network members are to receive said request for proposal based upon filter conditions set up by the network buyer in said request for proposal or by the central processing unit in accordance with preestablished conditions,	<p>"The present system is configured to direct and exchange communication traffic, for example, in the form of offers and responses, between selective members of plural groups or sub-groups, such as vendors and buyers, for analyzing and compiling data, scheduling appointments and implementing visual conferences, consummating transactions and the like. Selective routing of communication traffic from a central unit or controlled by the central unit effectively prevents information overload." (p. 6, lines 7-15).</p> <p>"Likewise, buyers may wish to solicit proposals for a particular item from vendors qualified for designated merchandise." (p. 8, lines 10-11).</p> <p>"The present system facilitates selective transmission of communication between individual buyers of plural buyer groups or sub-groups and qualified members of plural vendor groups or sub-groups. For example, special offerings by vendors for particular merchandise may be transmitted only to buyers designated for purchase of the merchandise. Likewise, buyer requests for proposals on selected merchandise are transmitted only to vendors designated to sell the merchandise." (p. 12, lines 14-22).</p> <p>"Selectivity logic, indicated at 47, to prevent information overload selectively directs communications between members of plural groups or sub-groups, such as wholesale buyer and vendor groups." (p. 23, line 35 to p. 24, line 3).</p>
means for broadcasting said request for proposal to the network members selected	"The central traffic control station TIS may automatically place a call (for example, to

CLAIM LANGUAGE	SPECIFICATION SUPPORT
by said filter means and	broadcast a proposal request from a buyer) to the appropriate vendor locations, determined by a database of vendor locations qualified (for example, as by specific category or sub-category) for the particular merchandise for which the buyer requests proposals." (p. 15, lines 4-9).
means for responding to the generator of said request with either a response from the selected network members or with a list of said selected network members for said generator of said request to establish independent communication.	"Following receipt of a request for proposal, interested vendors may submit a video presentation as described above. Ultimately, vendors may be invited to call for an appointment or otherwise communicate their proposals to buyers." (p. 44, lines 32-35).
18. A computerized system as defined in claim 1 wherein said network members communicate via an on-line computer service through said central processing system.	"Communication between the routing system and the different buyers and vendors may be accomplished in a variety of ways, as for example, by electronic-mail (transmission of messages across a network between two desk top PCs), electronic bulletin boards, on-line computer services (such as Prodigy® or Compuserve®) ..." (p. 8, lines 12-17)
19. A method for processing requests for proposal for goods and/or services from a party representing a buyer or supplier of goods and/or services through a computerized system forming a computer based communications network of network members for linking buyers to suppliers with the computerized system having at least one central processing unit including operating system software for containing the identification of the network members, wherein the method comprises the steps of:	"Accordingly, the present invention recognizes the need for a system to communicate with remote locations over a widely distributed area, from other places, such as a central location, for the applications discussed above ... In particular, the present system recognizes the need for directing and exchanging communications, such as offers and responses, between selected members of plural groups or subgroups, analyzing and compiling data relating to such members, scheduling appointments, implementing face-to-face conferences (in real-time), and consummating transactions and billing relating to transactions between such groups." (p. 5, lines 10-21). "Routing of offers and responses may also take place between members of sub-groups of plural groups. Calls may be classified into types, for example, ... a buyer soliciting proposals, a vendor responding with a proposal ..." (p. 7, lines 4-9).
receiving a buyer's request for proposal over a communication network;	"The present invention relates generally to the field of computerized telephone and video

CLAIM LANGUAGE	SPECIFICATION SUPPORT
	<p>communication, and more particularly, to a communication traffic control system for providing video communication through dial-up telephone system, for selectively interfacing members of plural groups, for example, wholesale buyer groups and vendor groups. Such a system may be used in a variety of applications, such as for directing and exchanging offers and responses at the wholesale level, between selective members of plural groups ... consummating sales and the like. It is currently contemplated that the present invention may be used, for example, in merchandising applications, including purchasing, selling, marketing or the like, educational conventions for medical doctors and other professionals, game shows, dating services and so on." (p. 1, line 17 to p. 2, line 2)</p> <p>"For merchandising applications, the remote specific vendor locations communicate with the central traffic control station TIS, which is located remote from the buyers' and vendors' facilities." (p. 12, lines 2-6).</p> <p>"...A database of buyers (including information, such as telephone numbers, names, etc.)" (p. 14, lines 22-23).</p> <p>"... Access to the system typically will be limited to qualified or registered entities." (p. 38, lines 22-23).</p> <p>"A block indicated at 45 and labeled "data storage" stores standard system and network software." (p. 23, lines 34-35).</p> <p>"Figure 9 illustrates an exemplary buyer request form providing specific information of the merchandise. Blank forms may be stored in a forms directory (e.g., menu-driven) or the like on each buyer's terminal. Thus, when making a request for proposal, a buyer may simply access a blank form and enter the specific information. Essentially, a merchandise code number "472361" is supplied, indicating the specific product as also identified in the graphic." (p. 44, lines 19-26).</p>

CLAIM LANGUAGE	SPECIFICATION SUPPORT
<p>selecting one or more appropriate vendors to be sent the buyer's request for proposal based upon filter conditions, set by the buyer, vendor and the network software;</p>	<p>"The present system is configured to direct and exchange communication traffic, for example, in the form of offers and responses, between selective members of plural groups or sub-groups, such as vendors and buyers, for analyzing and compiling data, scheduling appointments and implementing visual conferences, consummating transactions and the like. Selective routing of communication traffic from a central unit or controlled by the central unit effectively prevents information overload." (p. 6, lines 7-15).</p> <p>"Likewise, buyers may wish to solicit proposals for a particular item from vendors qualified for designated merchandise." (p. 8, lines 10-11).</p> <p>"The present system facilitates selective transmission of communication between individual buyers of plural buyer groups or sub-groups and qualified members of plural vendor groups or sub-groups. For example, special offerings by vendors for particular merchandise may be transmitted only to buyers designated for purchase of the merchandise. Likewise, buyer requests for proposals on selected merchandise are transmitted only to vendors designated to sell the merchandise." (p. 12, lines 14-22).</p> <p>"Selectivity logic, indicated at 47, to prevent information overload selectively directs communications between members of plural groups or sub-groups, such as wholesale buyer and vendor groups." (p. 23, line 35 to p. 24, line 3).</p>
<p>transmitting the buyer's request for proposal separately to said selected vendors over said communications network;</p>	<p>"The central traffic control station TIS may automatically place a call (for example, to broadcast a proposal request from a buyer) to the appropriate vendor locations, determined by a database of vendor locations qualified (for example, as by specific category or sub-category) for the particular merchandise for which the buyer requests proposals." (p. 15, lines 4-9).</p>
<p>with said selected vendors communicating</p>	<p>"Following receipt of a request for proposal,</p>

CLAIM LANGUAGE	SPECIFICATION SUPPORT
<p>their proposals either directly to the buyer or to the computerized system which in turn transmits said received proposals to the requesting buyer.</p>	<p>interested vendors may submit a video presentation as described above. Ultimately, vendors may be invited to call for an appointment or otherwise communicate their proposals to buyers." (p. 44, lines 32-35).</p>
<p>20. A computerized system for engaging in transactions over a data network, said computerized system comprising:</p>	<p>"Accordingly, the present invention recognizes the need for a system to communicate with remote locations over a widely distributed area, from other places, such as a central location, for the applications discussed above ... In particular, the present system recognizes the need for directing and exchanging communications, such as offers and responses, between selected members of plural groups or subgroups, analyzing and compiling data relating to such members, scheduling appointments, implementing face-to-face conferences (in real-time), and consummating transactions and billing relating to transactions between such groups." (p. 5, lines 10-21). "Routing of offers and responses may also take place between members of sub-groups of plural groups. Calls may be classified into types, for example, ... a buyer soliciting proposals, a vendor responding with a proposal ..." (p. 7, lines 4-9).</p>
<p>a plurality of terminals, at least one of which being designated a requestor and others of which are designed vendor terminals;</p>	<p>"... Personal computers ... are placed at each of the plurality remote locations to communicate with a central unit ..." (p. 6, lines 17-22).</p>
<p>filter and broadcast means for receiving, over said data network, requests from said requestor to engage in transactions with unspecified vendor terminals, and for filtering said request to determine with which vendor terminals said requests should be matched; and</p>	<p>"The present system is configured to direct and exchange communication traffic, for example, in the form of offers and responses, between selective members of plural groups or subgroups, such as vendors and buyers, for analyzing and compiling data, scheduling appointments and implementing visual conferences, consummating transactions and the like. Selective routing of communication traffic from a central unit or controlled by the central unit effectively prevents information overload." (p. 6, lines 7-15). "Likewise, buyers may wish to solicit proposals for a particular item from vendors</p>

CLAIM LANGUAGE	SPECIFICATION SUPPORT
	<p>qualified for designated merchandise.” (p. 8, lines 10-11).</p> <p>“The present system facilitates selective transmission of communication between individual buyers of plural buyer groups or sub-groups and qualified members of plural vendor groups or sub-groups. For example, special offerings by vendors for particular merchandise may be transmitted only to buyers designated for purchase of the merchandise. Likewise, buyer requests for proposals on selected merchandise are transmitted only to vendors designated to sell the merchandise.” (p. 12, lines 14-22).</p> <p>“Selectivity logic, indicated at 47, to prevent information overload selectively directs communications between members of plural groups or sub-groups, such as wholesale buyer and vendor groups.” (p. 23, line 35 to p. 24, line 3).</p>
<p>means for matching said requests with vendor terminals which meet predetermined filter conditions for generating quotes from information contained in a database associated with said vendor terminals, and for accepting said quotes from said vendor terminals, wherein the central database contains information that is insufficient to consummate the transaction.</p>	<p>“The central traffic control station TIS may automatically place a call (for example, to broadcast a proposal request from a buyer) to the appropriate vendor locations, determined by a database of vendor locations qualified (for example, as by specific category or sub-category) for the particular merchandise for which the buyer requests proposals.” (p. 15, lines 4-9).</p>
<p>21. The computerized system of claim 20 further comprising means for communicating responses from said vendor terminals to said filter and broadcast means; and means at said filter and broadcast means for communicating a selected set of said responses to said requestor.</p>	<p>“Following receipt of a request for proposal, interested vendors may submit a video presentation as described above. Ultimately, vendors may be invited to call for an appointment or otherwise communicate their proposals to buyers.” (p. 44, lines 32-35).</p>
<p>22. The computerized system of claim 21 wherein said transaction is a purchase, and wherein the purchase may comprise a plurality of items.</p>	<p>“Requests for proposals all carry merchandise codes ...” (p. 37, line 34)</p>
<p>23. The system of claim 22 further comprising: means for establishing communications between said filter and broadcast means and said vendor terminals</p>	<p>“The present system is configured to direct and exchange communication traffic, for example, in the form of offers and responses, between selective members of plural groups or sub-</p>

CLAIM LANGUAGE	SPECIFICATION SUPPORT
<p>which meet said filter conditions; and means for determining whether a quote for said transaction from a particular vendor terminal meeting said filter conditions should be sent to said requestor.</p>	<p>groups, such as vendors and buyers, for analyzing and compiling data, scheduling appointments and implementing visual conferences, consummating transactions and the like. Selective routing of communication traffic from a central unit or controlled by the central unit effectively prevents information overload.” (p. 6, lines 7-15).</p> <p>“Likewise, buyers may wish to solicit proposals for a particular item from vendors qualified for designated merchandise.” (p. 8, lines 10-11).</p> <p>“The present system facilitates selective transmission of communication between individual buyers of plural buyer groups or sub-groups and qualified members of plural vendor groups or sub-groups. For example, special offerings by vendors for particular merchandise may be transmitted only to buyers designated for purchase of the merchandise. Likewise, buyer requests for proposals on selected merchandise are transmitted only to vendors designated to sell the merchandise.” (p. 12, lines 14-22).</p> <p>“Selectivity logic, indicated at 47, to prevent information overload selectively directs communications between members of plural groups or sub-groups, such as wholesale buyer and vendor groups.” (p. 23, line 35 to p. 24, line 3).</p>
<p>24. The method of claim 23 wherein said communications is continuous.</p>	<p>“...communication may be of any length.” (p. 14, line 33 to p. 14, line 3)</p>
<p>25. The method of claim 23 wherein said communication is periodic.</p>	<p>“...it is generally contemplated that vendors would pursue scheduled appointments.” (p. 12, lines 24-25)</p>
<p>26. The method of claim 25 wherein said communications is initiated by said vendor terminal.</p>	<p>“... Personal computers ... are placed at each of the plurality remote locations to communicate with a central unit ...” (p. 6, lines 17-22).</p>
<p>27. The apparatus of claim 20 wherein further comprising means for automatically notifying a buyer when particular items meeting specified conditions become available from a seller.</p>	<p>“... various forms of electronic mail may be incorporated for utilization. In any event, the select group of buyers is notified that the presentation on a hair shampoo package for women is accessible by interfacing through the</p>

CLAIM LANGUAGE	SPECIFICATION SUPPORT
<p>28. A method of purchasing goods or services over a data network comprising the steps of:</p>	<p>telephone structure T12.” (p. 43, line 35 to p. 44, line 4).</p> <p>“Accordingly, the present invention recognizes the need for a system to communicate with remote locations over a widely distributed area, from other places, such as a central location, for the applications discussed above ... In particular, the present system recognizes the need for directing and exchanging communications, such as offers and responses, between selected members of plural groups or subgroups, analyzing and compiling data relating to such members, scheduling appointments, implementing face-to-face conferences (in real-time), and consummating transactions and billing relating to transactions between such groups.” (p. 5, lines 10-21).</p> <p>“Routing of offers and responses may also take place between members of sub-groups of plural groups. Calls may be classified into types, for example, ... a buyer soliciting proposals, a vendor responding with a proposal ...” (p. 7, lines 4-9).</p>
<p>communicating, over said data network, to a filter means, at least one request for a proposal from a potential buyer of said goods or services;</p>	<p>“The present invention relates generally to the field of computerized telephone and video communication, and more particularly, to a communication traffic control system for providing video communication through dial-up telephone system, for selectively interfacing members of plural groups, for example, wholesale buyer groups and vendor groups. Such a system may be used in a variety of applications, such as for directing and exchanging offers and responses at the wholesale level, between selective members of plural groups ... consummating sales and the like. It is currently contemplated that the present invention may be used, for example, in merchandising applications, including purchasing, selling, marketing or the like, educational conventions for medical doctors and other professionals, game shows, dating services and so on.” (p. 1, line 17 to p. 2, line 2)</p>

CLAIM LANGUAGE	SPECIFICATION SUPPORT
	<p>"For merchandising applications, the remote specific vendor locations communicate with the central traffic control station TIS, which is located remote from the buyers' and vendors' facilities." (p. 12, lines 2-6).</p> <p>"...A database of buyers (including information, such as telephone numbers, names, etc.)" (p. 14, lines 22-23).</p> <p>"... Access to the system typically will be limited to qualified or registered entities." (p. 38, lines 22-23).</p> <p>"A block indicated at 45 and labeled "data storage" stores standard system and network software." (p. 23, lines 34-35).</p>
<p>filtering, at said filter means, the at least one request in order to ascertain a set of sellers potentially capable of supplying said goods or services; and</p>	<p>"The present system is configured to direct and exchange communication traffic, for example, in the form of offers and responses, between selective members of plural groups or sub-groups, such as vendors and buyers, for analyzing and compiling data, scheduling appointments and implementing visual conferences, consummating transactions and the like. Selective routing of communication traffic from a central unit or controlled by the central unit effectively prevents information overload." (p. 6, lines 7-15).</p> <p>"Likewise, buyers may wish to solicit proposals for a particular item from vendors qualified for designated merchandise." (p. 8, lines 10-11).</p> <p>"The present system facilitates selective transmission of communication between individual buyers of plural buyer groups or sub-groups and qualified members of plural vendor groups or sub-groups. For example, special offerings by vendors for particular merchandise may be transmitted only to buyers designated for purchase of the merchandise. Likewise, buyer requests for proposals on selected merchandise are transmitted only to vendors designated to sell the merchandise." (p. 12, lines 14-22).</p> <p>"Selectivity logic, indicated at 47, to prevent information overload selectively directs</p>

CLAIM LANGUAGE	SPECIFICATION SUPPORT
	communications between members of plural groups or sub-groups, such as wholesale buyer and vendor groups." (p. 23, line 35 to p. 24, line 3).
obtaining, from at least one of said potential sellers, over a data network, quotes to supply said goods or services, and forwarding said quotes to said potential buyer, wherein at least part of the quote information is stored at a location remote from said filter means.	"Following receipt of a request for proposal, interested vendors may submit a video presentation as described above. Ultimately, vendors may be invited to call for an appointment or otherwise communicate their proposals to buyers." (p. 44, lines 32-35).
29. The method of claim 28 further comprising the step of accepting filtering conditions from said potential buyer, and utilizing said filtering conditions in said step of filtering to determine a subset of potentially capable sellers.	<p>"The present system is configured to direct and exchange communication traffic, for example, in the form of offers and responses, between selective members of plural groups or sub-groups, such as vendors and buyers, for analyzing and compiling data, scheduling appointments and implementing visual conferences, consummating transactions and the like. Selective routing of communication traffic from a central unit or controlled by the central unit effectively prevents information overload." (p. 6, lines 7-15).</p> <p>"Likewise, buyers may wish to solicit proposals for a particular item from vendors qualified for designated merchandise." (p. 8, lines 10-11).</p> <p>"The present system facilitates selective transmission of communication between individual buyers of plural buyer groups or sub-groups and qualified members of plural vendor groups or sub-groups. For example, special offerings by vendors for particular merchandise may be transmitted only to buyers designated for purchase of the merchandise. Likewise, buyer requests for proposals on selected merchandise are transmitted only to vendors designated to sell the merchandise." (p. 12, lines 14-22).</p> <p>"Selectivity logic, indicated at 47, to prevent information overload selectively directs communications between members of plural groups or sub-groups, such as wholesale buyer and vendor groups." (p. 23, line 35 to p. 24,</p>

CLAIM LANGUAGE	SPECIFICATION SUPPORT
	line 3).
30. The method of claim 28 wherein said step of obtaining comprises the step of each seller contacting said filter means at predetermined intervals and supplying bids in response to any requests for proposal that have arrived at said filtering means and that were determined, by the filter means, to be a request for proposal for goods or services which said each seller is potentially capable of supplying.	"... it is generally contemplated that vendors would pursue scheduled appointments." (p. 12, lines 24-25)
31. The method of claim 28 wherein said step of obtaining comprises the step of automatically and periodically supplying the filter means with information sufficient to assemble a bid, and sending the bid to said potential buyer via e-mail.	"... various forms of electronic mail may be incorporated for utilization. In any event, the select group of buyers is notified that the presentation on a hair shampoo package for women is accessible by interfacing through the telephone structure T12." (p. 43, line 35 to p. 44, line 4).
32. A method of matching buyers of goods and services with sellers of goods and services over a data network comprising the steps of:	"Accordingly, the present invention recognizes the need for a system to communicate with remote locations over a widely distributed area, from other places, such as a central location, for the applications discussed above ... In particular, the present system recognizes the need for directing and exchanging communications, such as offers and responses, between selected members of plural groups or subgroups, analyzing and compiling data relating to such members, scheduling appointments, implementing face-to-face conferences (in real-time), and consummating transactions and billing relating to transactions between such groups." (p. 5, lines 10-21). "Routing of offers and responses may also take place between members of sub-groups of plural groups. Calls may be classified into types, for example, ... a buyer soliciting proposals, a vendor responding with a proposal ..." (p. 7, lines 4-9).
communicating, from buyers to a filter means, requests for proposals (RFPs);	"Figure 9 illustrates an exemplary buyer request form providing specific information of the merchandise. Blank forms may be stored in a forms directory (e.g., menu-driven) or the like on each buyer's terminal. Thus, when making a request for proposal, a buyer may

CLAIM LANGUAGE	SPECIFICATION SUPPORT
	<p>simply access a blank form and enter the specific information. Essentially, a merchandise code number "472361" is supplied, indicating the specific product as also identified in the graphic." (p. 44, lines 19-26). "... Personal computers ... are placed at each of the plurality remote locations to communicate with a central unit ..." (p. 6, lines 17-22).</p>
<p>filtering said RFPs so that only sellers meeting a first set of filter conditions receive said FRPs;</p>	<p>"The present system is configured to direct and exchange communication traffic, for example, in the form of offers and responses, between selective members of plural groups or sub-groups, such as vendors and buyers, for analyzing and compiling data, scheduling appointments and implementing visual conferences, consummating transactions and the like. Selective routing of communication traffic from a central unit or controlled by the central unit effectively prevents information overload." (p. 6, lines 7-15). "Likewise, buyers may wish to solicit proposals for a particular item from vendors qualified for designated merchandise." (p. 8, lines 10-11). "The present system facilitates selective transmission of communication between individual buyers of plural buyer groups or sub-groups and qualified members of plural vendor groups or sub-groups. For example, special offerings by vendors for particular merchandise may be transmitted only to buyers designated for purchase of the merchandise. Likewise, buyer requests for proposals on selected merchandise are transmitted only to vendors designated to sell the merchandise." (p. 12, lines 14-22). "Selectivity logic, indicated at 47, to prevent information overload selectively directs communications between members of plural groups or sub-groups, such as wholesale buyer and vendor groups." (p. 23, line 35 to p. 24, line 3).</p>
<p>transmitting, to remotely located seller</p>	<p>"The central traffic control station TIS may</p>

CLAIM LANGUAGE	SPECIFICATION SUPPORT
databases, the filter FRPs;	automatically place a call (for example, to broadcast a proposal request from a buyer) to the appropriate vendor locations, determined by a database of vendor locations qualified (for example, as by specific category or sub-category) for the particular merchandise for which the buyer requests proposals." (p. 15, lines 4-9).
accepting quotes from sellers meeting said first set of filter conditions, and filtering said quotes so that only quotes meeting additional filter conditions are sent to a buyer requesting said quotes.	"Following receipt of a request for proposal, interested vendors may submit a video presentation as described above. Ultimately, vendors may be invited to call for an appointment or otherwise communicate their proposals to buyers." (p. 44, lines 32-35).
33. The method of claim 32 wherein said additional filter conditions are determined by said vendor.	"Following receipt of a request for proposal, interested vendors may submit a video presentation as described above. Ultimately, vendors may be invited to call for an appointment or otherwise communicate their proposals to buyers." (p. 44, lines 32-35).
34. The method of claim 32 wherein said additional filter conditions are determined by said filter means.	<p>"The present system is configured to direct and exchange communication traffic, for example, in the form of offers and responses, between selective members of plural groups or sub-groups, such as vendors and buyers, for analyzing and compiling data, scheduling appointments and implementing visual conferences, consummating transactions and the like. Selective routing of communication traffic from a central unit or controlled by the central unit effectively prevents information overload." (p. 6, lines 7-15).</p> <p>"Likewise, buyers may wish to solicit proposals for a particular item from vendors qualified for designated merchandise." (p. 8, lines 10-11).</p> <p>"The present system facilitates selective transmission of communication between individual buyers of plural buyer groups or sub-groups and qualified members of plural vendor groups or sub-groups. For example, special offerings by vendors for particular merchandise may be transmitted only to buyers designated for purchase of the merchandise.</p>

CLAIM LANGUAGE	SPECIFICATION SUPPORT
	Likewise, buyer requests for proposals on selected merchandise are transmitted only to vendors designated to sell the merchandise.” (p. 12, lines 14-22). “Selectivity logic, indicated at 47, to prevent information overload selectively directs communications between members of plural groups or sub-groups, such as wholesale buyer and vendor groups.” (p. 23, line 35 to p. 24, line 3).

Applicant proposes two counts for this interference, a method count and an apparatus count. The counts are set forth separately below. For each count, the claims of the interfering patents which correspond to the prospective count are not patentably distinct. Applicant will identify the pending claims of Applicant’s case which correspond to the counts.

Count I

A computerized system for forming a computer based communications network of network members inclusive of network buyers and or network vendors for processing requests for quotation for goods and services through at least one central processing unit including:

operating system software for controlling the central processing unit, said network members being remotely located from said central processing unit and connected thereto via a communications channel, the central processing unit being coupled to a storage means containing identification of the network members,

means for network buyers to generate request for quotation for goods and/or services,

means for transmitting said request for quotation to said central processing unit,

filter means for filtering the network members in said storage means to determine which network members are to receive said request for quotation based upon filter conditions set up by the network buyer in said request for quotation or by the central processing unit in accordance with preestablished conditions,

means for broadcasting said request for quotation to the network members selected by said filter means and

means for responding to the generator of said request with either a response from the selected network members or with a list of said selected network members for said generator of said request to establish independent communication.

The Giovannoli '328 Patent

The claims of the Giovannoli '328 patent corresponding to Count I are the apparatus claims 1, 2, and 4-11. The claims and count adopt the language "request for quotation" which is believed to be substantively similar to Applicant's "request for proposal", whether considered merely from the ordinary English meaning of the phrases, or from an examination of the content and function as described in the disclosures.

The Count has been modified from claim 1 of the Giovannoli '328 patent in the recitation at column 8, lines 28-29 stating that said network members being remotely located from said central processing unit and "connected thereto via a communications channel storage means containing identification of the network members". Based upon a reading of the specification, and a comparison to other claims (e.g., method claim 3), the Count has been modified to more clearly state that the network members are remotely located from the central processing unit and "connected thereto via a communications channel, *the central processing unit being coupled to a storage means containing identification of the network members*" (changes in italics). It is believed that this makes the Count clearer, and more consistent with the Giovannoli '328 disclosure.

The Count includes the term "filter". That term has been adopted from the Giovannoli '328 disclosure, which defines that term in the specification:

"The buyer and vendor filters may represent in their simplest form defined classes of supplies and/or buyers and may extend to delineate conditions of sale and/or purchase. Limitations for conditions included in the RFQ and/or in the response are defined for purposes of the present application s filter information or simply "filters". Filtering performed by a quotation system computer may simply involve limiting the network members to whom the RFQ is given and/or to whom responses are given or maybe a more complex selection process." (Giovannoli '328 patent, column 5, lines 15-25).

No substantive difference exists between the claims of Giovannoli '328, the Count or Applicant's corresponding claims in this regard.

The Katz Application

Applicant's claims corresponding to Count I are: 17, 18, and 20-27. As discussed in connection with the Giovannoli '328 disclosure, above, the terminology of request for quotation or request for proposal are believed to be interchangeable, with Applicant having adopted the term request for proposal which is expressly supported in the specification. (See, e.g., page 44, line 13). The term "filter" has been adopted in these claims as being amply supported by the numerous examples cited. Those examples squarely meet the definition of filter as provided in the Giovannoli '328 patent.

Claim 18 corresponds substantially to the Count, as numerous interchangeable electronic modes of communication are disclosed in the application. For example, the specification provides:

"Communication between the routing system and the different buyers and vendors may be accomplished in a variety of ways, as for example, by electronic-mail (transmission of messages across a network between two top PCs), electronic bulletin boards, on-line computer services (such as Prodigy® or CompuServe®), facsimile, voice-mail or the like." (page 8, lines 12-17).

Both Giovannoli '328 claim 2 and Applicant's claim 18 correspond to Count I.

Count II

A method for processing requests for quotation for goods and/or services from a party representing a buyer or supplier of goods and/or services through a computerized system forming a computer based communications network of network members for linking buyers to suppliers with the computerized system having at least one central processing unit including operating

system software for containing the identification of the network members, wherein the method comprises the steps of:

receiving a buyer's request for quotation over a communication network;

selecting one or more appropriate vendors to be sent the buyer's request for quotation based upon filter conditions, set by the buyer, vendor and the network software;

transmitting the buyer's request for quotation separately to said selected vendors over said communications network; and with said selected vendors over said communications network; and

with said selected vendors communicating their quotations either directly to the buyer or to the computerized system which in turn transmits said received quotations to the requesting buyer.

The Giovannoli '328 Patent

The claims of the Giovannoli '328 patent deem to correspond to Count II are: 3 and 12-19. Again, the correspondence between a request for quotation and a request for proposal is established, either by the literal meaning of the words in the phrases or from a review of the functionality and content of those requests as provided in the specification.

The Katz Application

The claims of Applicant to be designated as corresponding to Count II are: 19 and 28-34. As indicated above, Applicant's claims utilize the terminology request for proposal, in lieu of request for quotation, to conform to the literal support in the specification, without changing the substantive meaning of those phrases. Further, the term "filter" has been adopted in light of the definition expressly stated in the Giovannoli '328 patent, as descriptive of the various functionalities described in Applicant's disclosure.

Conclusion

Applicant respectfully requests a declaration of interference, as appropriate, between the instant Katz application and the interfering patent, having the counts given above, with the designated claims corresponding to the count.

Respectfully submitted,

LYON & LYON LLP

Dated: May 21, 1999

By: David B. Murphy
David B. Murphy
Reg. No. 31,125

DBM/dnd
633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(714) 751-6606 or (213) 489-1600